

Matthew B. Lehr (Bar No. 213139)  
 Suong T. Nguyen (Bar No. 237557)  
 David J. Lisson (Bar No. 250994)  
 Chung G. Suh (Bar No. 244889)  
 Jeremy Brodsky (Bar No. 257674)  
 DAVIS POLK & WARDWELL LLP  
 1600 El Camino Real  
 Menlo Park, California 94025  
 Telephone: (650) 752-2000  
 Facsimile: (650) 752-2111

Attorneys for Plaintiff  
 Tyco Healthcare Group LP d/b/a  
 VNUS Medical Technologies

UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

TYCO HEALTHCARE GROUP LP d/b/a  
 VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

v.

BIOLITEC, INC., DORNIER MEDTECH  
 AMERICA, INC., and NEW STAR LASERS,  
 INC. d/b/a COOLTOUCH, INC.,

Defendants.

LEAD CASE NO. C08-03129 MMC

CASE NO. C08-03129 MMC

~~PROPOSED~~ ORDER GRANTING  
 IN PART AND DENYING IN PART

**PLAINTIFF'S MOTION FOR  
 ADMINISTRATIVE RELIEF TO FILE  
 DOCUMENTS UNDER SEAL; VACATING  
 SEPTEMBER 10, 2010 ORDER [DOCUMENT  
 NO. 305]  
 [CIVIL LOCAL RULES 7-11, 79-5]**

TYCO HEALTHCARE GROUP LP d/b/a  
 VNUS MEDICAL TECHNOLOGIES,

Plaintiff,

v.

TOTAL VEIN SOLUTIONS, LLC d/b/a  
 TOTAL VEIN SYSTEMS,

Defendant.

CASE NO. C08-04234 MMC  
 (consolidated with C08-3129 MMC)

Before the Court is the Plaintiff's Motion for Administrative Relief to File Documents Under Seal dated August 30, 2010, by which Plaintiff seeks leave to file under seal unredacted versions of certain documents submitted in support of Plaintiff's Notice of Motion and Brief in Support of its Motion *in Limine* No. 1 to Exclude Testimony and the Use of Prior Testimony Regarding Certain Alleged Uses by Drs. Bush, Mercier and Dunne. Having reviewed the submissions filed in support of the motion, the Court rules as follows:

1. The motion is GRANTED as to the following documents that ~~the parties or~~ former has party Dornier MedTech America, Inc. ("Dornier") ~~have~~ shown contain material properly filed under seal, each of which the requesting party is directed to file under seal, no later than ~~five~~ September 21, 2010<sup>1</sup> ~~calendar days from the date of this order:~~

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- ~~Designated portions~~ of Exhibit 4 to the Declaration of Jeremy Brodsky in Support of Plaintiff's Notice of Motion and Brief in Support of its Motion *in Limine* No. 1 to Exclude Testimony and the Use of Prior Testimony Regarding Certain Alleged Uses by Drs. Bush, Mercier and Dunne, which have been designated by Dornier.
- Designated portions of Plaintiff's Notice of Motion and Brief in Support of its Motion *in Limine* No. 1 to Exclude Testimony and the Use of Prior Testimony Regarding Certain Alleged Uses by Drs. Bush, Mercier and Dunne, dated August 30, 2010, which reflect confidential information of ~~Defendants and~~ Dornier.

2. The motion is DENIED as to Exhibit 13 to the Declaration of Jeremy Brodsky (excerpts from deposition of Jose I. Almeida, M.D.), and any page of Exhibit 4 other than those identified above; plaintiff is DIRECTED to file said documents in the public record no later than September 21, 2010.

3. The Court's September 10, 2010 order [Document No. 305] is vacated.

4. Plaintiff's motion requesting that Document Nos. 307 and 308 be removed from the public docket is GRANTED.

IT IS SO ORDERED.

Dated: September 15 2010

  
HON. MAXINE M. CHESNEY  
United States District Judge

<sup>1</sup> Dornier's showing was made after the Court issued its order of September 10, 2010.